



Order Filed on October 16, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE
Stern & Eisenberg, PC
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(COUNSEL FOR MOVANT)

In Re:
Giovanny A. Manzur
and Vanessa Manzur
Debtors

Caliber Home Loans, Inc.
Creditor/Movant

v.

Giovanny A. Manzur
and Vanessa Manzur
(Respondents)

Chapter 13

Case Number: 18-10794-KCF

Judge: Kathryn C. Ferguson

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTling THE MOTION FOR
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**.

DATED: October 16, 2018


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Mortgagor/Debtor: Giovanni A. Manzur
Debtor: Vanessa Manzur

Case Number: 18-10794-KCF

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

Upon the Motion of Caliber Home Loans, Inc. (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 140 Long Swamp Rd, New Egypt, New Jersey 08533-1927 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Giovanni A. Manzur and Vanessa Manzur ("Debtors") acknowledges that Debtors are due for the following post-petition regular monthly payments from June 1, 2018 to September 1, 2018, as follows:
 - a. Monthly payments total (\$2,834.66/mo):.....\$11,338.64
 - b. Post-petition suspense balance:.....(-\$261.36)
 - c. Attorney Fees:.....\$531.00
 - d. Total arrears as of date of Order:.....\$11,608.28
2. Debtors shall make an initial deposit/down payment in the amount of \$3,000.00, payable to Creditor and remitted within ten (10) days upon entry of this Stipulation;
3. Debtors shall cure the remaining Arrears in the amount of \$8,608.28 beginning October 1, 2018 as follows:
 - a. \$717.36 plus the monthly payment of \$2,834.66 totaling \$3,552.02 /11 months (10/01/2018 through 08/01/2019)
 - b. \$717.32 plus the monthly payment of \$2,834.66 totaling \$3,551.98 /12th month (09/01/2019)
4. Payments due in accordance with this Order shall be due on or before the 1st day of each month.
5. Debtors shall make the regular monthly payments required to the Trustee.
6. All payments due to the Creditor from the Debtors are to be made directly to Caliber Home Loans, Inc., P.O. Box 650856, Dallas, TX 75265-0856 and making sure that Creditor's loan number appears on all payments.
7. In the event that Movant alleges that Debtors have failed to comply with obligations under paragraph 2 through 5 of this Consent Order/Stipulation, Caliber Home Loans, Inc. and/or Counsel may give Debtors and Debtors' counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtors and Debtors' counsel, the Court may grant Caliber Home Loans, Inc. immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A."

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Mortgagor/Debtor: Giovanni A. Manzur
Debtor: Vanessa Manzur

Case Number: 18-10794-KCF

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

8. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtors shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder. In the event Debtors fail to comply with the terms of this Order for more than thirty (30) days, Creditor Caliber Home Loans, Inc. may submit a certification of default and proposed Order for Relief from the Automatic Stay to the court and serve a copy of such Certification of Default upon the Debtors and Debtors' counsel.
9. Fourteen (14) days after receipt of a Certification of Default, the court will enter an order granting Caliber Home Loans, Inc. relief from the automatic stay unless the Debtors have filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
10. Upon issuance of the aforesaid Order, the parties hereto further agree that Caliber Home Loans, Inc. may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejection thereafter.
11. In the event Debtors convert to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtors shall pay all pre-petition arrears and post-petition arrears within ten (10) days from the date the case is converted. If Debtors fail to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A."



MARC C. CAPONE, ESQUIRE
COUNSEL FOR DEBTOR

/s/ Steven P. Kelly, Esq.

STEVEN P. KELLY, ESQUIRE
STERN & EISENBERG, PC
COUNSEL FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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Chapter 13

Case Number: 18-10794-KCF

Judge: Kathryn C. Ferguson

ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION

Upon Motion of Caliber Home Loans, Inc. (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, Caliber Home Loans, Inc. (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 140 Long Swamp Rd, New Egypt, New Jersey 08533-1927 ("Property")